

Public Notice – Approval of Water Quality Management Planning Actions

Notice of action: The State Water Control Board (Board) is considering the approval of twenty-one Total Maximum Daily Load (TMDL) reports and four TMDL modifications, and granting authorization to include the TMDL reports and modifications in the appropriate Water Quality Management Plans (WQMPs).

Purpose of notice: The Board is seeking comment on the proposed approvals and authorizations. The purpose of these actions is to approve twenty-one TMDL reports and four TMDL modifications as Virginia's plans for the pollutant reductions necessary for attainment of water quality goals in several impaired waterbodies. These actions are taken in accordance with the Public Participation Procedures for Water Quality Management Planning.

Public comment period: August 30, 2010 to September 28, 2010

Description of proposed action: DEQ staff intends to recommend 1) that the DEQ Director approve the TMDL reports and TMDL modifications listed below as Virginia's plans for the pollutant reductions necessary for attainment of water quality goals in the impaired segments, and 2) that the DEQ Director authorize inclusion of the TMDL reports and TMDL modifications in the appropriate WQMPs. No regulatory amendments are required for these TMDLs and their associated waste load allocations.

At previous meetings, the Board voted unanimously to delegate to the DEQ Director the authority to approve TMDLs that do not include waste load allocations requiring regulatory adoption by the Board, provided that a summary report of the action the Director plans to take is presented to the Board prior to the Director approving the TMDL reports. The TMDLs included in this public notice will be approved using this delegation of authority.

The TMDLs listed below were developed in accordance with Federal Regulations (40 CFR §130.7) and are exempt from the provisions of Article II of the Virginia Administrative Process Act. The TMDLs have been through the TMDL public participation process contained in DEQ's Public Participation Procedures for Water Quality Management Planning. The public comment process provides the affected stakeholders an opportunity for public appeal of the TMDLs. EPA approved all TMDL reports presented under this public notice. The approved reports can be found at <https://www.deq.virginia.gov/TMDLDataSearch/ReportSearch.aspx>

Affected Waterbodies and Localities:

Potomac River & Shenandoah River Basins:

1. "Cod, Presley, Hull, Rogers, Bridgeman, Cubitt, and Hack Creeks - Total Maximum Daily Load (TMDL) Report for Shellfish Condemnation Areas Listed Due to Bacteria Pollution"
 - 8 bacteria TMDLs, located in Northumberland County, propose bacteria reductions for portions of the watershed to address VDH Shellfish Area Condemnations and primary contact (swimming use) impairments
2. "Bacteria TMDL for the Tidal Four Mile Run Watershed"
 - 1 bacteria TMDL, located in Arlington County and the City of Alexandria, proposes bacteria reductions for portions of the watersheds to address a primary contact (swimming use) impairment
3. "Bacteria TMDL Development and Benthic Stressor Analysis for South Fork Shenandoah River"
 - 1 bacteria TMDL, located in Rockingham and Page Counties, proposes bacteria reductions for portions of the watersheds to address a primary contact (swimming use) impairment
4. "Bacteria and Benthic Total Maximum Daily Load Development for South River"
 - 1 bacteria TMDL, located in the city of Waynesboro and Augusta and Rockingham Counties, proposes bacteria reductions for portions of the watershed to address a primary contact (swimming use) impairment
5. "Total Maximum Daily Load Development to Address Bacteria and Benthic Impairments in the Spout Run Watershed, Clarke County, Virginia"

- 3 bacteria TMDLs, located in Clarke County, propose bacteria reductions for portions of the watersheds to address primary contact (swimming use) impairments
6. *Modification* for "Total Maximum Daily Load (TMDL) Development for Smith Creek"
 - 1 bacteria TMDL, located in Shenandoah and Rockingham Counties, proposes bacteria reductions for portions of the watersheds to address a primary contact (swimming use) impairment (*modification*)

In the James River Basin:

7. "TMDL Report for Chesapeake Bay Shellfish Waters: Bleakhorn Creek, Bennett Creek, and Knotts Creek Bacterial Impairments in the City of Suffolk, VA"
 - 3 bacteria TMDLs, located in Suffolk County, propose bacteria reductions for portions of the watershed to address VDH Shellfish Area Condemnations
8. "Shellfish Bacteria Total Maximum Daily Load (TMDL) Development - Chuckatuck Creek and Brewers Creek Watersheds"
 - 1 bacteria TMDL, located in Suffolk and Isle of Wight Counties, proposes bacteria reductions for portions of the watershed to address VDH Shellfish Area Condemnations
9. "Bacteria Total Maximum Daily Load (TMDL) Development for the Elizabeth River Watershed"
 - 4 bacteria TMDLs, located in Chesapeake, Norfolk, Portsmouth, and Virginia Beach, propose bacteria reductions for portions of the watersheds to address primary contact (swimming use) impairments
10. "Shellfish Bacteria Total Maximum Daily Load (TMDL) Development - Kings Creek and Bay and Ballard Creek and Bay Watersheds"
 - 2 bacteria TMDLs, located in Isle of Wight and Suffolk counties, propose bacteria reductions for portions of the watersheds to address VDH Shellfish Area Condemnations
11. "TMDL Report for Chesapeake Bay Shellfish Waters: Lawnes Creek Bacterial Impairment in Isle of Wight and Surry Counties, VA"
 - 1 bacteria TMDL, located in Surry and Isle of Wight Counties, proposes bacteria reductions for portions of the watershed to address VDH Shellfish Area Condemnations
12. "Morris Creek (tidal), Charles City County - Total Maximum Daily Load (TMDL) for Bacteria Contamination Impaired for Recreational Use"

- 1 bacteria TMDL, located in the Charles City County, proposes bacteria reductions for portions of the watershed to address a primary contact (swimming use) impairment
13. *Modification* for "Bacteria Total Maximum Daily Load for the James River Basin"
 - 7 bacteria TMDLs, located in Amherst, Bedford, and Campbell Counties and the city of Lynchburg, propose bacteria reductions for portions of the watersheds to address a primary contact (swimming use) impairment (*modification*)
 14. *Modification* for "Fecal TMDL (Total Maximum Daily Load) Development for Willis River, Virginia"
 - 1 bacteria TMDL, located in Cumberland County, proposes bacteria reductions for portions of the watersheds to address a primary contact (swimming use) impairment (*modification*)

In the Rappahannock River Basin:

15. "Totuskey and Richardson Creeks - Total Maximum Daily Load (TMDL) Report for Shellfish Condemnation Areas Listed Due to Bacteria Pollution"
 - 2 bacteria TMDLs, located in Richmond County, propose bacteria reductions for portions of the watershed to address VDH Shellfish Area Condemnations and primary contact (swimming use) impairments
16. *Modification* for "Fecal Coliform TMDL - Mountain Run Watershed, Culpeper County, Virginia"
 - 1 bacteria TMDLs, located in Culpeper County, proposes bacteria reductions for portions of the watershed to address a primary contact (swimming use) impairment (*modification*)

In the Tennessee/Big Sandy River Basin:

17. "Bacteria and Benthic Total Maximum Daily Load Development for Middle Fork Holston River"
 - 5 bacteria TMDLs, located in Washington and Smyth Counties, propose bacteria reductions for portions of the watershed to address primary contact (swimming use) impairments
18. "Bacteria and Benthic Total Maximum Daily Load Development for Wolf Creek"
 - 1 bacteria TMDL, located in Washington County, proposes bacteria reductions for portions of the watershed to address a primary contact (swimming use) impairment

In the Chowan River Basin:

19. "E. Coli Total Maximum Daily Load Development for Assamoosick Swamp and Tributaries in Sussex and Southampton Counties, VA"

- 1 bacteria TMDL, located in Sussex and Southampton Counties, proposes bacteria reductions for portions of the watershed to address a primary contact (swimming use) impairment
20. "E. Coli Total Maximum Daily Load Development for Blackwater River and Tributaries in Sussex, Surrey, Prince George, Dinwiddie Counties and Petersburg, VA"
 - 4 bacteria TMDLs, located in Dinwiddie, Prince George, Surry, and Sussex Counties and the City of Petersburg, propose bacteria reductions for portions of the watershed to address primary contact (swimming use) impairments
 21. "Fecal Bacteria Total Maximum Daily Load Development for Meherrin River and Tributaries"
 - 2 bacteria TMDLs, located in Charlotte, Lunenburg, Mecklenburg, and Brunswick Counties, propose bacteria reductions for portions of the watershed to address primary contact (swimming use) impairments

In the Chesapeake Bay-Small Coastal-Eastern Shore Basin:

22. "TMDL Report for Chesapeake Bay Shellfish Waters: Mattawoman Creek Bacterial Impairment in Northampton County, VA"
 - 1 bacteria TMDL, located in Northampton County, proposes bacteria reductions for portions of the watershed to address VDH Shellfish Area Condemnations

In the York River Basin:

23. "TMDL Report for Chesapeake Bay Shellfish Waters: Ware Creek, Taskinas Creek, and Skimono Creek Bacterial Impairments in York, James City, and New Kent Counties, VA"
 - 3 bacteria TMDLs, located in James City, New Kent, and York Counties, propose bacteria reductions for portions of the watersheds to address VDH Shellfish Area Condemnations

In the New River Basin:

24. "Bacteria Total Maximum Daily Load (TMDL) Development for Cripple Creek"
 - 3 bacteria TMDLs, located in Wythe County, propose bacteria reductions for portions of the watershed to address primary contact (swimming use) impairments
25. "Bacteria Total Maximum Daily Load (TMDL) Development for Elk Creek"
 - 1 bacteria TMDL, located in Grayson County, proposes bacteria reductions for portions of the watershed to address a primary contact (swimming use) impairment

How to comment: The DEQ accepts written comments by e-mail, fax and postal mail. All written comments must include the full name, address and telephone number of the person commenting and be received by DEQ by 5 p.m. on the last day of the comment period.

How a decision is made: After comments have been considered, the Board will make the final decision.

To review documents: The TMDL reports and TMDL implementation plans are available on the DEQ web site at <https://www.deq.virginia.gov/TMDLDataSearch/ReportSearch.jsp> and by contacting the DEQ representative named below. The electronic copies are in PDF format and may be read online or downloaded.

Contact for public comments, document requests and additional information:

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